Case Analysis in Clinical Ethics

Case Analysis in Clinical Ethics is a grounded review from a team of leading ethicists covering the main methods for analysing ethical problems in modern medicine. Anneke Lucassen, a clinician, begins by presenting an ethically challenging genetics case drawn from her clinical experience. It is then analysed from different theoretical points of view. Each ethicist takes a particular approach, illustrating it in action and giving the reader a basic grounding in its central elements. Each chapter can be read on its own, but comparison between them gives the reader a sense of how far methodology in medical ethics matters, and how different theoretical starting points can lead to different practical conclusions. At the end, Dr Lucassen gives a clinician’s response to the various ethical methods described.

Practising clinical ethicists and students on upper level undergraduate and Master’s degree courses in medical ethics and applied philosophy will find this invaluable.

Richard Ashcroft is head of the Medical Ethics Unit in the Faculty of Medicine at Imperial College London.

Anneke Lucassen is a consultant in clinical genetics at the Wessex Clinical Genetics Service and Senior Lecturer at Southampton University.

Michael Parker is Professor of Bioethics and Director of the Ethox Centre at the University of Oxford.

Marian Verkerk is Professor of Ethics and Care in the Medical Faculty of the University of Groningen.

Guy Widdershoven is Professor of Ethics of Healthcare at the University of Maastricht.
Case Analysis in Clinical Ethics

Edited by
Richard Ashcroft, Anneke Lucassen
Michael Parker, Marian Verkerk
Guy Widdershoven
This book is dedicated to Louise Sarch
# Contents

<table>
<thead>
<tr>
<th>Notes on contributors</th>
<th>page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acknowledgements</td>
<td>xiii</td>
</tr>
</tbody>
</table>

1 Philosophical introduction: case analysis in clinical ethics  
   Richard Ashcroft, Michael Parker, Marian Verkerk, Guy Widdershoven  
   page 1

2 Families and genetic testing: the case of Jane and Phyllis  
   Anneke Lucassen  
   Appendix I Family diagram  
   Appendix II Patient information leaflet  
   page 7

3 Family access to shared genetic information: an analysis of the narrative  
   Brian Hurwitz  
   page 27

4 A virtue-ethics approach  
   Alastair Campbell  
   page 45

5 Interpretation and dialogue in hermeneutic ethics  
   Guy Widdershoven  
   page 57

6 ‘Power, corruption and lies’: ethics and power  
   Richard Ashcroft  
   page 77

7 Reading the genes  
   Rob Withers  
   page 95

8 A utilitarian approach  
   Julian Savulescu  
   page 115
<table>
<thead>
<tr>
<th>9</th>
<th>A feminist care-ethics approach to genetics</th>
<th>133</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Marian Verkerk</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>A conversational approach to the ethics of genetic testing</td>
<td>149</td>
</tr>
<tr>
<td></td>
<td>Michael Parker</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Families and genetic testing: the case of Jane and Phyllis from a four-principles perspective</td>
<td>165</td>
</tr>
<tr>
<td></td>
<td>Raanan Gillon</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>A phenomenological approach to bioethics</td>
<td>187</td>
</tr>
<tr>
<td></td>
<td>George Agich</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>An empirical approach</td>
<td>201</td>
</tr>
<tr>
<td></td>
<td>Søren Holm</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Response to ethical dissections of the case</td>
<td>213</td>
</tr>
<tr>
<td></td>
<td>Anneke Lucassen</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Philosophical reflections</td>
<td>225</td>
</tr>
<tr>
<td></td>
<td>Michael Parker, Richard Ashcroft, Marian Verkerk, Guy Widdershoven</td>
<td></td>
</tr>
</tbody>
</table>

Index | 231 |
Notes on contributors

George Agich
George J. Agich Ph.D. is Professor in the Cleveland Clinic Lerner College of Medicine and the F. J. O’Neill Chair in Clinical Bioethics at The Cleveland Clinic Foundation (CCF). He directs the CCF Ethics Consultation Service providing over 200 consultations annually. George is the author of many articles and books on a wide range of topics in bioethics and philosophy of medicine. Recent papers have dealt with ethics consultation, bioethics expert testimony, philosophical aspects of psychiatric nosology, ageing and autonomy in long-term care. His most recent book, Dependence and Autonomy in Long Term Care, was published by Cambridge University Press in 2003. His current research includes questions of authority, justification and methodology in ethics consultation as well as the ethics of innovation in medicine and surgery.

Richard Ashcroft
Richard Ashcroft is Leverhulme Senior Lecturer in Medical Ethics and Head of the Medical Ethics Unit at Imperial College London. He was previously Lecturer in Ethics in Medicine at Bristol University, where he is still an honorary Research Fellow, and has done research at the Universities of Cambridge and Liverpool. His principal research interests are in ethics of medical research and genetics. He is a member of the UK Gene Therapy Advisory Committee. As well as his respectable interests in practical medical ethics, he has a longstanding interest in continental philosophy and social theory. His contributions to this book are part of his continuing attempt to bring these interests together.

Alastair Campbell
Alastair Campbell is Professor Emeritus of Ethics in Medicine in the School of Medicine, University of Bristol, and Director of the Centre for Ethics in Medicine. He is a former President of the International Association of Bioethics. Recent publications include Health as Liberation (1995) and Medical Ethics, co-authored with Max Charlesworth, Grant Gillett and Gareth Jones (2001). Professor Campbell is a member of the Medical Ethics Committee of the British Medical Association and a former member of the
Notes on contributors

Ethics Committee of the Royal College of Obstetricians and Gynaecologists. He served on the Minister of Health’s Review Team into the arrangements for surrogacy in the UK and, more recently, as a member of the Chief Medical Officer’s Expert Group on Cloning. Professor Campbell is currently Chairman of the Wellcome Trust’s Standing Advisory Group on Ethics and Vice-chairman of the Retained Organs Commission. In 1999 he was awarded the Henry K. Beecher Award of the Hastings Center (jointly with Raanan Gillon).

Raanan Gillon

Raanan Gillon is Emeritus Professor of Medical Ethics at Imperial College London where he still does some post-retirement lecturing, teaching and research. He was part-time senior partner in the British National Health Service general practice based at Imperial College London until he retired at the end of 2002. He was editor for 20 years of the Journal of Medical Ethics until he retired from that in 2001. He is currently Chairman of the Institute of Medical Ethics and Deputy Chairman of the British Medical Association’s Medical Ethics Committee. He has published extensively in the area of medical ethics, and his series of 26 articles in the British Medical Journal in the 1980s continues to be reprinted as a small volume, Philosophical Medical Ethics, published by Wiley. In 1999 he was awarded the Henry K. Beecher Award of the Hastings Center (jointly with Alastair Campbell).

Søren Holm

Søren Holm B.A., M.A., M.D., Ph.D., Dr.Med.Sc. is Professorial Fellow in Bioethics at the Cardiff Law School and the Cardiff Institute of Society, Health and Ethics, and Professor of Medical Ethics at the Centre for Medical Ethics, University of Oslo. He is a medical doctor and philosopher and has written extensively on moral decision-making. Among his most recent publications is Søren Holm and Monique Jonas, eds., Engaging the World: The Use of Empirical Research in Bioethics and the Regulation of Biotechnology (2004).

Brian Hurwitz

Brian Hurwitz holds the D’Oyly Carte Chair of Medicine and the Arts at King’s College London. He studied medicine and history and philosophy of science at Cambridge, completed his clinical education in London and commenced in general practice in 1985. His research interests encompass clinical medicine, ethics, medical law and narrative studies in relation to clinical work. Books include Clinical Guidelines and the Law (1998), Narrative-Based Medicine: Dialogue and Discourse in Clinical Practice (with P. Greenhalgh (eds.), 1998), NICE, CHI and the NHS Reforms (with A. Miles and J. Hampton (eds.), 2000), Clinical Governance (with A. Miles and
A. Hill (eds.), 2001) and Narrative Research in Health and Illness (with P. Greenhalgh and V. Skultans (eds.), 2004). He continues to work as an NHS GP.

Anneke Lucassen
Anneke Lucassen is a senior lecturer/consultant in clinical genetics at the Wessex Clinical Genetics Service and Senior Lecturer at Southampton University. She has a longstanding research interest in the ethical and social issues related both to research and clinical developments in genetics. She is involved with several primary care genetics research projects and has co-authored a book on genetics and primary care. She is a member of her local research-ethics committee and the hospital clinical ethics committee, which are increasingly asked to discuss issues related to genetics. Together with others she has founded and runs the Genethics Club a national forum which meets several times a year for the discussion of ethico-legal issues encountered in the working lives of clinical genetics professionals (http://www.genethicsclub.org).

Michael Parker
Michael Parker is Professor of Bioethics and Director of the Ethox Centre at the University of Oxford and Honorary Clinical Ethicist at the Oxford Radcliffe Hospitals Trust, providing ethics support and education in the clinical setting, particularly in clinical genetics. As Director of the Oxford Genetics and Society Research Programme, he is leading the ethical, legal, psychological, economics and social science programme of the Oxford Genetics Knowledge Park. Mike is Associate Editor of the Journal of Medical Ethics, a member of the Board of the International Association of Bioethics, a member of the ethics committee of the Royal College of Physicians and a member of the steering committee of the UK Clinical Ethics Network. His main research interests are in the ethical and social implications of biotechnology, and ethical issues in the clinical genetics setting. He is the author, with Donna Dickenson, of the Cambridge Medical Ethics Workbook (Cambridge University Press, 2001).

Julian Savulescu
Julian Savulescu is Uehiro Chair in Practical Ethics at the University of Oxford. He is the Founder and Director of the Oxford Uehiro Centre for Practical Ethics. The Centre is devoted to research, education and stimulating open public discussion around the ethical issues which arise in everyday life and which are related to the changes in society, particularly related to technological advancement. He is also Head of the Melbourne–Oxford Stem Cell Collaboration, devoted to examining the ethical implications of cloning and embryonic stem-cell research. He holds an honorary professorial position at the University of Melbourne, Australia, at the Murdoch Children’s Research Institute, Royal Children’s Hospital. He was editor of the prestigious Journal of Medical Ethics from 2001 to 2004. Previously, he was Director of the Ethics
of Genetics Unit at the Murdoch Children’s Research Institute. He was also Director of the Bioethics Program at the Centre for the Study of Health and Society at the University of Melbourne and was the Chair of the Department of Human Services, Victoria, Ethics Committee. He has made over 150 presentations and over 150 media appearances (including print, radio and television). Julian is qualified in medicine, bioethics and analytic philosophy. He is author (with Tony Hope and Judith Hendrick) of a textbook for medical students – *Medical Ethics and Law: The Core Curriculum*. He has worked as Clinical Ethicist at the Oxford Radcliffe Hospitals.

**Marian Verkerk**

Marian Verkerk has studied philosophy. In 1985 she published her thesis on ethics and welfare policy. As a senior lecturer on ethics she has worked at the University of Utrecht and the Erasmus University in Rotterdam. In 1995 she received a Socrates Professorship on Ethics of Care at the University of Groningen. Since 2001 she has been full Professor in Ethics and Care at the Faculty of Medicine of the University of Groningen and the Groningen University Hospital. She is also head of the Expertise Centre of Ethics of Care at the Groningen University Hospital. This centre specialises in ethical consultancy and ethical training for professionals. Marian Verkerk is member of one of the regional review committees on euthanasia and physician-assisted suicide. She is a member of the standing committee of Medical Ethics and Health Law of the Health Council in the Netherlands. She is chair of the Netherlands Association of Bioethics. Marian frequently publishes on issues of ethics, care, care for the chronically ill and psychiatry. One of the most recent subjects of research is on the ‘reflective professional’.

**Guy Widdershoven**

Guy Widdershoven is Professor of Ethics of Health Care at the University of Maastricht. His main theoretical interest is in hermeneutic ethics (focusing on deliberative approaches to decision-making) and ethics of care (emphasising relational autonomy). He supervises research projects on ethics of chronic care (care for the elderly, psychiatry and care for people with a mental disability). He is also involved in projects on ethical aspects of care around the end of life, particularly palliative care and euthanasia. Currently he is scientific director of Caphri (Care and Public Health Research Institute, Maastricht University). He is also President of EACME (European Association of Centres of Medical Ethics).

**Rob Withers**

Dr Rob Withers has held senior posts in higher education, including Principal of University College Scarborough. He is an occasional visiting lecturer and external examiner and writes fiction and academic articles.
Acknowledgements

The editors would like to thank NWO Geesteswetenschappen for an International Research Grant, which made possible the workshops that were an essential element in the development of this book. They would also like to thank the Netherlands School for Research in Practical Philosophy and to thank Annemieke Brouwers for the good care she took of us all during the two workshops in the Netherlands.

Richard Ashcroft would like to record his thanks to Guy for the original idea, to Marian for getting the money that supported the project, to Mike for the momentum, to the contributors for contributing, and to Anneke for putting up with us philosophers. Thanks also to Pauline Graham for her constant support at Cambridge University Press.

Michael Parker would like to thank the Universities of Maastricht and Groningen for visiting professorships in 2003 that allowed him to work on preparing the book for submission to the publishers.